

IAP7Rsc'd PCT/PTO 09 FEB 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 10/558,277
		Filing Date November 23, 2005
		First Named Inventor Catherine Clelland
		Art Unit N/A
		Examiner Name Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number 02420/100M850-US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO SB/08 (1 page) Copy of 3 references cited Return Receipt Postcard
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Howard M. Frankfort, Ph.D.		
Date	February 9, 2006	Reg. No.	32,613

Express Mail Label No.

Dated: _____

Docket No.: 02420/100M850-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Catherine Clelland et al.

Application No.: 10/558,277

Confirmation No.: @@@

Filed: November 23, 2005

Art Unit: N/A

For: SURROGATE CELL GENE EXPRESSION
SIGNATURES FOR EVALUATING THE
PHYSICAL STATE OF A SUBJECT

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

(Check one of the boxes A-D)

- [X] A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
- [] B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- [] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- i. Counsel states that, upon information and belief, each item of information listed herein was either (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.
- D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. Under 37 CFR 1.17(i) a check in the amount of \$180.00 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.)

- A. Pursuant to the Notice issued by the United States Patent and Trademark Office dated July 11, 2003 waiving the requirements of 37 C.F.R. § 1.98(a)(2)(i), a copy/copies of the United States Patent on PTO/SB08 is/are not being submitted.
- B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

[SERIAL NO. & FILING DATE].

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449 and/or PTO/SB/08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

[] 3. Cite Nos. _____ are not in the English language. In accordance with 1.98(c),
Applicant states:

- [] An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
- [] The requirement for a concise explanation of the relevance of any foreign language document is satisfied by the attached search report; citation of the documents cited in the search report shall not be construed as an admission that they are or are considered to be, material to patentability of the subject matter claimed herein (See MPEP §609).
- [] A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- [] A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- [] A concise explanation of document(s) _____ can be found on the attached sheet.

[] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 in the preamble to the final rules; 1135 OG 13 at 20).

[] 5. Other information being provided for the examiner's consideration follows:

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

CROSS REFERENCE UNDER 37 C.F.R. (1.78 TO RELATED APPLICATIONS

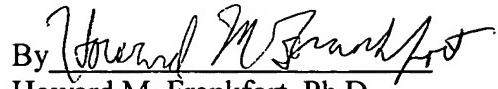
Pursuant to 37 C.F.R. (1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Patent Application Serial No _____, filed _____.

Early and favorable consideration is earnestly solicited.

Dated: February 9, 2006

Respectfully submitted,

By 
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Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/558,277
				Filing Date	November 23, 2005
				First Named Inventor	Catherine Clelland
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	02420/100M850-US1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
AA	US-60/115125		01-06-1999	Liew Choong-Chin	
AB*	US-20040013663-A1		01-22-2004	Liew Choong-Chin et al.	
AC*	US-20040014059-A1		01-22-2004	Liew Choong-Chin	
AD*	US-20040037841-A1		02-26-2004	Liew et al.	
AE*	US-20040241726-A1		12-02-2004	Liew	
AF*	US-20040241727-A1		12-02-2004	Liew	
AG*	US-20040241728-A1		12-02-2004	Liew	
AH*	US-20040241729-A1		12-02-2004	Liew	
AI*	US-20040248169-A1		12-09-2004	Liew	
AJ*	US-20040248170-A1		12-09-2004	Liew	
AK*	US-20040265868-A1		12-30-2004	Liew	
AL*	US-20040265869-A1		12-30-2004	Liew	
AM*	US-20050003394-A1		01-06-2005	Liew	
AN*	US-20050042630-A1		02-24-2005	Liew	
AO*	US-20050079514-A1		04-14-2005	Liew	
AP*	US-20050123938-A1		06-09-2005	Liew	
AQ	US-2005191637-A1		09-01-2005	Liew Choong-Chin	
AR	US-2005196762-A1		09-08-2005	Liew Choong-Chin	
AS	US-2005196763-A1		09-08-2005	Liew Choong-Chin	
AT	US-2005196764-A1		09-08-2005	Liew Choong-Chin	
AU	US-2005208505-A1		09-22-2005	Liew Choong-Chin	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
BA	WO-2000040749		07-13-2000	Liew	
BB	WO-200270737		09-12-2002	Liew et al.	
BC	WO-2004112589		12-29-2004	Liew	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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Application No. (if known): 10/558,277

Attorney Docket No.: 02420/100M850-US1

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV762807286-45 in an envelope addressed to:

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Alexandria, VA 22313-1450

on February 9, 2006
Date

B.W. Lee

Signature

B.W. Lee

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter (1 page)
Information Disclosure Statement (4 pages)
PTO SB/08 (24 References) (1 page)
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